



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

October 12, 2004

**CERTIFIED MAIL
7000 1670 0000 0585 8742
RETURN RECEIPT REQUESTED**

NOTICE OF PAST VIOLATION

Trelleborg Sealing Solutions
366 Route 108
Somersworth, New Hampshire 03878

Attn: Jeremy Lodge, General Manager

**Re: Trelleborg Sealing Solutions
Somersworth, New Hampshire
EPA ID # NHD 982750515**

Dear Mr. Lodge

On April 15, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Trelleborg Sealing Solutions ("Trelleborg") in Somersworth, NH. The purpose of the inspection was to determine Trelleborg's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 502.01 Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed for the "waste hydraulic oil filters" and "spent paint filters/wipers".

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Trelleborg conduct hazardous waste determinations for the following:

- (a) "Waste hydraulic oil filters" generated from the reclamation of the hydraulic oil in the machine shop. Laboratory analysis should include, at a minimum, testing to detect the characteristic of toxicity (TCLP metals) using the method described in Env-Wm 403.06.

- (b) "Spent paint filters and wipers contaminated with toluene, Methyl Ethyl Ketone, and methanol being commingled and handled as a "D008" hazardous waste. Please be advised that materials that are mixed with a listed hazardous waste are also regulated as hazardous wastes, as specified in Env-Wm 404.01(a)(1). Therefore, if the wipers are used in conjunction with an F-listed solvent (e.g., methyl ethyl ketone, toluene) the wiper is a F-listed hazardous waste mixture. Materials that are mixed with characteristic hazardous wastes (e.g., ignitable, corrosive) are only hazardous if they continue to exhibit the characteristic after mixing has occurred, as specified in Env-Wm 404.01(a)(2).

Trelleborg will need to provide to DES the results of the hazardous waste determinations, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

In an April 22, 2004 McLane letter, documentation was provided that the solvent contaminated rags are now marked and handled as "Hazardous Waste: Solvent Contaminated Rags – EPA Waste Codes: D001, F005. Flammable." In a submittal from Trelleborg dated September 21, 2004, laboratory analysis was provided to confirm that the "Waste hydraulic oil filters" are non-hazardous. No further action is required.

2. Env-Wm 507.01(a)(3) and Env-Wm 509.03(d) – Storage Requirements

At the time of the inspection, one (1) cubic yard container of hazardous waste "scrap rubber" in the black prep area, two (2) containers of hazardous waste "scrap rubber" in the mill area, and one (1) cubic yard container of hazardous waste "black rubber only" in the molding area were not closed. See the attached Container Inventory ("Inventory").

Env-Wm 507.01(a)(3), which is referenced by Env-Wm 509.03(d), requires generators to ensure that containers storing hazardous waste are closed at all times, except when waste is being added to or removed from the containers.

DES requested that Trelleborg ensure that containers storing hazardous waste are closed at all times, except when adding or removing waste from the containers.

In the April 22, 2004 McLane letter, documentation was provided that the bins for collecting lead scrap are covered when not in use. No further action is required.

3. Env-Wm 509.02(a)(1) - Inspection Requirements

At the time of the inspection, Trelleborg had not documented weekly inspections of the 90-day hazardous waste storage area for a total of 106 weeks during the 3 years prior to the inspection.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s).

DES requested that Trelleborg ensure that weekly inspections of its hazardous waste storage areas are performed and documented.

In the April 22, 2004 McLane letter, documentation was provided that Trelleborg has corrected this issue and ensured that in the future all logs are properly maintained. No further action is required.

4. Env-Wm 509.02(a)(2) Personnel Training

A review of Trelleborg's personnel training program revealed the following deficiencies

- (a) The Primary Emergency Coordinator (Tim Grant) and two Alternate Emergency Coordinators (Sandra Pike – second shift, and Marlene Butler third shift) had not taken part in annual hazardous waste training and/or reviews for the years noted:

- 1. Tim Grant – 1999, 2000, 2001;
- 2. Sandra Pike – 1999, 2000, 2001, and 2003; and
- 3. Marlene Butler – 1999, 2000, 2001, and 2003.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial hazardous waste training and annual reviews are conducted for personnel handling hazardous waste. Env-Wm 509.02(a)(2) also requires full quantity generators to maintain specific documents and records related to personnel training at the facility.

DES requested that Trelleborg conduct and document hazardous waste training and annual updates for the Emergency Coordinators.

In a July 16, 2004 submittal from Trelleborg, documentation was provided that the two alternate Emergency Coordinators (Sandra Pike and Marlene Butler) were trained on April 14, 2004 and April 15, 2004 respectively. No further action is required.

5. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Trelleborg's contingency plan revealed the following deficiency:

(a) Home addresses of Emergency Coordinators.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Trelleborg update its contingency plan to correct the deficiency as identified in the enclosed Contingency Plan Module. Please be aware that DES allows the use of a cell phone number for the Emergency Coordinator in lieu of having the home address listed in the contingency plan as long as a 24 hour contact is available for any emergencies.

In a September 21, 2004 submittal of Trelleborg's Hazardous Waste Contingency Plan, the above-noted deficiency had been corrected. No further action is required.

6. Env-Wm 509.03 – Satellite Storage

At the time of the inspection, inspectors documented two (2) one cubic yard containers of hazardous waste scrap rubber in the molding area and one (1) cubic yard container of hazardous waste scrap black rubber in the black prep area.

Env-Wm 509.03 allows a full quantity generator to accumulate as much as 55 gallons of hazardous waste at or near any point of generation.

DES requested that Trelleborg only accumulate as much as 55 gallons of hazardous waste at or near any point of generation, as allowed under the Satellite Storage Provision of Env-Wm 509.03.

In the submittal from Trelleborg dated September 21, 2004, documentation was provided that the molding area and the black prep area are not managed as satellite storage areas so the accumulation limit does not apply. No further action is required.

7. Env-Wm 509.03(g) – Satellite Storage Container Marking

At the time of the inspection, one (1) satellite storage container of hazardous waste methyl ethyl ketone in the adhesive prep area was not marked with the words "hazardous waste" and words that identify the contents of the container, and the two (2) containers of hazardous waste "scrap rubber" in the mill area were not marked with the words "hazardous waste".

Env-Wm 509.03(g) requires that at the time the satellite storage container(s) are first used to store wastes, the hazardous waste container(s) are marked with the words "hazardous waste" and with words that identify the contents of the container(s).

DES requested that Trelleborg properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with: the words "hazardous waste" and words that identify the contents of the container.

In the April 22, 2004 McLane letter, documentation was provided that Trelleborg labeled the satellite storage containers in the mill room and the adhesive prep area. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of the submittals describing the corrective measures taken by Trelleborg to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

Please note that the findings summarized in this letter relate only to the deficiencies in your hazardous waste management program documented at the time of the inspection. The disposal of a hazardous waste as a solid waste (*i.e.*, lead containing scrap rubber) that Trelleborg voluntarily self-reported through the letter dated April 5, 2004 to DES will be handled under a separate enforcement action.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of

specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Specific questions regarding water related issues may be directed to Stergios Spanos of DES's Water Division at 271-6637, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink is written over the word "COPY" in large, bold, black capital letters. The signature appears to be "John J. Duclos".

John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Sean Dillon, EHS Manager, Trelleborg
Barry Needleman, McLane, Graf, Raulerson, & Middleton

E-mail: JJD/SD/SS/PM

Enclosure: Hazardous Waste Generator Inspection Report